

AMENDED IN SENATE AUGUST 23, 2006

AMENDED IN SENATE AUGUST 7, 2006

AMENDED IN SENATE JUNE 19, 2006

CALIFORNIA LEGISLATURE—2005–06 REGULAR SESSION

**ASSEMBLY BILL**

**No. 1334**

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**Introduced by Assembly Member Salinas**

February 22, 2005

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An act to amend ~~Sections 1775 and 1777~~ *Section 1775* of the Business and Professions Code, relating to dentistry.

LEGISLATIVE COUNSEL'S DIGEST

AB 1334, as amended, Salinas. Dentistry: registered dental hygienists.

Under existing law, the Dental Practice Act, dental auxiliaries are licensed and regulated by the Committee on Dental Auxiliaries and the Dental Board of California. Existing law authorizes a registered dental hygienist in alternative practice to perform certain functions of a registered dental hygienist, subject to specified conditions.

~~This bill would specify the preventive and therapeutic functions of a registered dental hygienist that a registered dental hygienist in alternative practice may perform with and without direct supervision of a dentist.~~

~~Existing law authorizes a registered dental hygienist in alternative practice to hire and supervise dental assistants performing certain tasks.~~

~~This bill would also authorize a registered dental hygienist in alternative practice to hire and supervise registered dental assistants.~~

Existing law authorizes a registered dental hygienist in alternative practice to perform dental hygiene services for a patient who presents a prescription for the services issued by a dentist or physician and surgeon *who has performed a physical examination and a diagnosis of the patient prior to the prescription being provided*, as specified. *The prescription may be valid for a period not to exceed 15 months.*

~~This bill would delete that authorization. The bill would also require a registered dental hygienist in alternative practice to refer patients with possible oral abnormalities to a dentist for examination, diagnosis, and treatment obtain written verification that the patient has been examined by a dentist or physician and surgeon no later than 18 months following the first date that the hygienist provides services. The bill would require that the verification include a prescription for dental hygiene services, which prescription may be valid for a period not to exceed 2 years. The bill would provide that failure to comply with these provisions would be considered unprofessional conduct.~~

~~Existing law authorizes a registered dental assistant employed by or practicing in specified clinics to perform certain procedures under the direct supervision of a registered dental hygienist.~~

~~This bill would also authorize a registered dental assistant to perform those procedures under the direct supervision of a registered dental hygienist in alternative practice.~~

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~ yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1     SECTION 1. Section 1775 of the Business and Professions  
2     Code is amended to read:  
3     1775. (a) A registered dental hygienist in alternative practice  
4     may perform those preventive and therapeutic functions  
5     described in subdivision (a) of Section 1760, subdivision (a) of  
6     Section 1760.5, and subdivisions (a) and (b) of Section 1762 as  
7     an employee of a dentist or of another registered dental hygienist  
8     in alternative practice, or as an independent contractor, or as a  
9     sole proprietor of an alternative dental hygiene practice, or as an  
10    employee of a primary care clinic or specialty clinic that is  
11    licensed pursuant to Section 1204 of the Health and Safety Code  
12    or as an employee of a primary care clinic exempt from licensure  
13    pursuant to subdivision (c) of Section 1206 of the Health and

1 Safety Code, or as an employee of a clinic owned or operated by  
2 a public hospital or health system, or as an employee of a clinic  
3 owned and operated by a hospital that maintains the primary  
4 contract with a county government to fill the county's role under  
5 Section 17000 of the Welfare and Institutions Code.

6 (b) A registered dental hygienist in alternative practice may  
7 perform the dental hygiene services specified in subdivision (a)  
8 in the following settings:

- 9 (1) Residences of the homebound.  
10 (2) Schools.  
11 (3) Residential facilities and other institutions.  
12 (4) Dental health professional shortage areas, as certified by  
13 the Office of Statewide Health Planning and Development in  
14 accordance with existing office guidelines.

15 (c) A registered dental hygienist in alternative practice shall  
16 not do any of the following:

17 (1) Infer, purport, advertise, or imply that he or she is in any  
18 way able to provide dental services or make any type of dental  
19 health diagnosis beyond those services specified in subdivision  
20 (a).

21 (2) Hire a registered dental hygienist to provide direct patient  
22 services other than a registered dental hygienist in alternative  
23 practice.

24 (d) A registered dental hygienist in alternative practice may  
25 submit or allow to be submitted any insurance or third-party  
26 claims for patient services performed as authorized pursuant to  
27 this article.

28 (e) A registered dental hygienist in alternative practice may  
29 hire other registered dental hygienists in alternative practice to  
30 assist in his or her practice.

31 (f) A registered dental hygienist in alternative practice may  
32 hire and supervise dental assistants performing functions  
33 specified in subdivision (b) of Section 1751.

34 (g) A registered dental hygienist in alternative practice shall  
35 provide to the board documentation of an existing relationship  
36 with at least one dentist for referral, consultation, and emergency  
37 services.

38 (h) *No later than 18 months following the first date that a*  
39 *registered dental hygienist in alternative practice provides*  
40 *services to a patient, he or she shall obtain written verification*

1 *that the patient has been examined by a dentist or physician and*  
2 *surgeon licensed to practice in this state. The verification shall*  
3 *include a prescription for dental hygiene services as described in*  
4 *subdivision (i). Failure to comply with this subdivision or*  
5 *subdivision (i) shall be considered unprofessional conduct.*

6 (i) A registered dental hygienist in alternative practice may  
7 perform dental hygiene services for a patient who presents to the  
8 registered hygienist in alternative practice a written prescription  
9 for dental hygiene services issued by a dentist or physician and  
10 surgeon licensed to practice in this state ~~who has performed a~~  
11 ~~physical examination and a diagnosis of the patient prior to the~~  
12 ~~prescription being provided.~~ The prescription shall be valid for a  
13 time period based on the dentist's or physician and surgeon's  
14 professional judgment, but not to exceed ~~15 months~~ *two years*  
15 from the date that it was issued.

16 SECTION 1. ~~Section 1775 of the Business and Professions~~  
17 ~~Code is amended to read:~~

18 ~~1775. (a) A registered dental hygienist in alternative practice~~  
19 ~~may perform those preventive and therapeutic functions~~  
20 ~~described in subdivision (a) of Section 1760, subdivision (a) of~~  
21 ~~Section 1760.5, and Section 1762 unsupervised. A registered~~  
22 ~~dental hygienist in alternative practice may perform the functions~~  
23 ~~described in Section 1761 only under direct supervision.~~

24 (b) ~~A registered dental hygienist in alternative practice may~~  
25 ~~perform the dental hygiene services specified in subdivision (a)~~  
26 ~~in the following settings:~~

27 (1) ~~Residences of the homebound.~~

28 (2) ~~Schools.~~

29 (3) ~~Residential facilities and other institutions.~~

30 (4) ~~Dental health professional shortage areas, as certified by~~  
31 ~~the Office of Statewide Health Planning and Development in~~  
32 ~~accordance with existing office guidelines.~~

33 (c) ~~A registered dental hygienist in alternative practice shall~~  
34 ~~not do any of the following:~~

35 (1) ~~Infer, purport, advertise, or imply that he or she is in any~~  
36 ~~way able to provide dental services or make any type of dental~~  
37 ~~health diagnosis beyond those services specified in subdivision~~  
38 (a).

1     ~~(2) Hire a registered dental hygienist to provide direct patient~~  
2     ~~services other than a registered dental hygienist in alternative~~  
3     ~~practice.~~

4     ~~(d) A registered dental hygienist in alternative practice may~~  
5     ~~submit or allow to be submitted any insurance or third-party~~  
6     ~~claims for patient services performed as authorized pursuant to~~  
7     ~~this article.~~

8     ~~(e) A registered dental hygienist in alternative practice may~~  
9     ~~hire other registered dental hygienists in alternative practice to~~  
10    ~~assist in his or her practice.~~

11    ~~(f) A registered dental hygienist in alternative practice may~~  
12    ~~hire and supervise dental assistants performing functions~~  
13    ~~specified in subdivision (b) of Section 1751 and registered dental~~  
14    ~~assistants performing functions specified in subdivisions (a), (b),~~  
15    ~~and (c) of Section 1777.~~

16    ~~(g) A registered dental hygienist in alternative practice shall~~  
17    ~~provide to the board documentation of an existing relationship~~  
18    ~~with at least one dentist for referral, consultation, and emergency~~  
19    ~~services.~~

20    ~~(h) A registered dental hygienist in alternative practice shall~~  
21    ~~refer any patients with possible oral abnormalities to a dentist for~~  
22    ~~a comprehensive examination, diagnosis, and treatment plan.~~

23    ~~SEC. 2. Section 1777 of the Business and Professions Code is~~  
24    ~~amended to read:~~

25    ~~1777. While employed by or practicing in a primary care~~  
26    ~~clinic or specialty clinic licensed pursuant to Section 1204 of the~~  
27    ~~Health and Safety Code, in a primary care clinic exempt from~~  
28    ~~licensure pursuant to subdivision (c) of Section 1206 of the~~  
29    ~~Health and Safety Code, or a clinic owned and operated by a~~  
30    ~~hospital that maintains the primary contract with a county~~  
31    ~~government to fill the county's role under Section 17000 of the~~  
32    ~~Welfare and Institutions Code, a registered dental assistant or a~~  
33    ~~registered dental assistant in extended functions may perform the~~  
34    ~~following procedures under the direct supervision of a registered~~  
35    ~~dental hygienist or a registered dental hygienist in alternative~~  
36    ~~practice, pursuant to subdivision (b) of Section 1763:~~

37    ~~(a) Coronal polishing, after providing evidence to the board of~~  
38    ~~having completed a board-approved course in that procedure.~~

39    ~~(b) Application of topical fluoride.~~

- 1     ~~(e) Application of sealants, after providing evidence to the~~
- 2     ~~board of having completed a board-approved course in that~~
- 3     ~~procedure.~~

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